

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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KEVIN A. ASHBY,

Civil 08-4692 (JRT/FLN)

v.

Plaintiff,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

PARK NICOLLET HEALTH SERVICES  
AND WPS HEALTH INSURANCE,

Defendants.

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Kevin A. Ashby, 13726 Harrison Plaza, Suite 407, Omaha, NE 68137,  
appearing pro se.

No appearances on behalf of defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated July 23, 2008, all the files and  
records, and no objections having been filed to said Report and Recommendation, **IT IS**  
**HEREBY ORDERED** that:

1. Plaintiff's application to proceed without prepayment of fees [#2] is **DENIED**;  
and
2. This action is summarily **DISMISSED** pursuant to 28 U.S.C. §1915(e)(2)(B)(i).

DATED: August 15, 2008  
at Minneapolis, Minnesota

                 s/John R. Tunheim                   
JOHN R. TUNHEIM  
United States District Judge